

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHAWN DIARRA MCSWAIN,

Plaintiff,

Case No. 20-11672

Honorable Victoria A. Roberts

v.

HEINEMANN, et al.,

Defendants.

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**ORDER TRANSFERRING CASE TO THE WESTERN DISTRICT OF  
MICHIGAN**

Prisoner Shawn Diarra McSwain filed an amended *pro se* civil rights complaint under 42 U.S.C. § 1983. [ECF No. 47]. The Defendants are C/O Kathleen Heinemann and Warden Bryan Morrison.

The Complaint alleges that Defendants caused him serious medical harm when they forced him out of his wheelchair and were deliberately indifferent to his medical needs in violation of his Eighth Amendment rights. McSwain also claims that the Defendants retaliated against him by writing false misconducts, placing him in segregation, and transferring him to another facility.

Defendants filed a motion to change venue to the Western District of Michigan. [ECF No. 54].

The question is whether venue is proper in this District. In civil litigation where there is no jurisdiction based on diversity of citizenship, venue is proper:

- (1) in a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) in a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b). The Court may transfer a civil action to any district where the action could have been brought if the action was filed in the wrong district. 28 U.S.C. § 1406(a).

The events or omissions giving rise to McSwain's claims occurred at Lakeland Correctional Facility ("LCF") in Coldwater, Michigan and the Defendants are employed at LCF. Coldwater is in Branch County, which is located within the geographical boundaries of the Western District of Michigan. 28 U.S.C. § 102(b)(1). Venue is proper there.

The Clerk of the Court must **TRANSFER** this case to the Western District of Michigan pursuant to 28 U.S.C. § 1391(b)(2) and 1406(a).

**ORDERED.**

s/ Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: April 14, 2021